



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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TECH CENTER 160-13800

Applicants : JUERGEN HEUSER et. al.  
Serial No. : 09/807,851  
Filed : April 19, 2001  
For : PHOSGENE WITH POOR CARBON TETRA CHLORIDE  
CONTENT  
Group Art Unit : 1621  
Examiner : S.A. Witherspoon

**DECLARATION**

Dr. Hermann Kauth a citizen of Germany hereby declares:

(A) That he is a chemist having studied at the University of Mainz, Germany and had conferred upon him a doctor's degree in chemistry (Dr. rer. nat.) in 1982; and  
That he entered the employ of Bayer in 1982 and that in the course of his employment he has gained considerable expertise in the technology of phosgene synthesis.

(B) That he is a named inventor of the captioned Patent Application, that he has understands the issues raised in the course of the U.S. prosecution of the captioned Patent Application, and has read and understands the art cited in the prosecution.

(C) That he notes in connection with example 2 and the Comparative Example included in the patent application that:

Flow rate of chlorine ( $485 \text{ Nm}^3/\text{h}$ ) and methane content (10 ppm) were measured in connection with conducting the Comparative Example and Flow rate of chlorine ( $480 \text{ Nm}^3/\text{h}$ ) and methane content (50 ppm) were measured in connection with conducting Example 2;

(D) That in his opinion these differences do not cause, or contribute to, a reduction of carbon tetrachloride ( $\text{CCl}_4$ ) content of the resulting phosgene.

That further in his opinion, the difference between the respective flow rates is within the error of the relevant instrument, and the lower methane content – Comparative Example- would lower the  $\text{CCl}_4$  content.

That in his opinion the only presently material differences between the process parameters of Example 2 and the Comparative Example are the pressure and temperature. The dependency of  $\text{CCl}_4$  content on pressure and temperature employed in the process is unexpected and surprising in view of the art.

The undersigned declarant hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2003-06-06  
Date

Dr. Hermann Kauth  
Dr. Hermann Kauth